PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 41116	**FOR FURTHER ACTION**	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB 02/02715	International filing date (day/month/year) 10.06.2002	Priority date (day/month/year) 10.06.2002

International Patent Classification (IPC) or both national classification and IPC

H04L12/18

Applicant

CAPLIN SYSTEM LIMITED et al

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of   sheets.

3. This report contains indications relating to the following items:

I   ☒   Basis of the opinion

II   ☐   Priority

III ☐   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV   ☐   Lack of unity of invention

V   ☒   Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI   ☐   Certain documents cited

VII ☐   Certain defects in the international application

VIII ☐   Certain observations on the international application

Date of submission of the demand 08.01.2004	Date of completion of this report 04.10.2004
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Pais Gonçalves, A Telephone No. +49 89 2399-8806

INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

International application No.   PCT/GB 02/02715

I. Basis of the report

1. With regard to the **elements** of the international application *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*:

   Description, Pages

   1-6   as originally filed

   Claims, Numbers

   1-9   as originally filed

   Drawings, Sheets

   1/4-4/4   as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

   These elements were available or furnished to this Authority in the following language: , which is:

   ☐   the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).

   ☐   the language of publication of the international application (under Rule 48.3(b)).

   ☐   the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

   ☐   contained in the international application in written form.

   ☐   filed together with the international application in computer readable form.

   ☐   furnished subsequently to this Authority in written form.

   ☐   furnished subsequently to this Authority in computer readable form.

   ☐   The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

   ☐   The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

   ☐   the description,   pages:

   ☐   the claims,   Nos.:

   ☐   the drawings,   sheets:

5. ☐　This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1,6,8
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-9
Industrial applicability (IA)	Yes:	Claims	1-9
	No:	Claims	

2. Citations and explanations

see separate sheet

The following documents (D) are referred to in this report:

D1: NETSCAPE COMMUNICATIONS CORPORATION : 'JavaScript Guide - Chapter 5 : LiveConnect' NETSCAPE DEVELOPER WEB SITE, [Online] 26 November 1997 (1997-11-26), XP002210281 Retrieved from the Internet: http://developer.netscape.com/docs/manuals/communicator/jsguide4/livecon.htm

D2: US 2001/051907 A1

V.

1.   The present application contains two independent claims (1 and 8) relating to a unique method of implementing a connection for communicating information having **overlapping scope**.

1.1 Thus the claims as a whole are **not clear and concise** and hence the requirements of Article 6 PCT are not met.

1.2 Having regard to the requirements of Rule 6.4(a) PCT, it is considered appropriate in the present case to use only one independent claim corresponding to this category and dependent claims as appropriate.

2.   In addition, claim 1 taken alone is also **not clear** (Article 6 PCT) because it is apparently directed to implementing a connection between a browser and remote data servers but it does not define how the connection to the browser is actually done. In particular, claim 1 only discloses providing a control module and communication modules with an interface module for permitting communication between the control module and the communication modules but it does not specify how this is related to the browser itself.

2.1 In this sense, it is noted that claim 8 states that both modules (corresponding to the control and communication applets) are running in the browser.

2.2 Furthermore, claims 1 and 8 taken alone are also not clear, Article 6 PCT, because they attempt to define the scope of protection by the **result to be achieved**, Guidelines PG-III 4.7. In particular, it is not clear how the communication modules have to be configured in order to prevent a direct communication with the control module (result to be achieved).

3.   Notwithstanding the above clarity objections, document D2 (see e.g. page 11,

paragraphs [0121] to [0122]) essentially discloses the features of <u>claim 6</u>, i.e. a browser comprising a control module (85) and communication modules (parsing engines) for communicating to remote servers and gathering information from said servers.

3.1 In addition, these arguments are also valid for <u>claim 1</u> or independent <u>claim 8</u>, which contain the same combination of features as claim 6 in terms of method claims, i.e. the method carried out by the apparatus (browser) of claim 6.

3.2 Therefore, the subject-matter of claims 1, 6 and 8 is **not new**, Article 33 (1), (2) PCT.

3.3 Furthermore, it should be noted that, even if novelty of claims 1, 6 or 8 could be argued based on minor differences between their subject-matter and the disclosure of D2, this subject-matter would still not involve an inventive step, Article 33 (1), (3) PCT, taking into account that D2 discloses the same object and the same type of solution as presently claimed.

3.4 Further attention should also be drawn to the disclosure of D1 which discloses a facility (LiveConnect) integrated in the Netscape browser for enabling a communication between JavaScript and Java applets and between JavaScripts and plug-ins in the browser.

3.5 Referring to the arguments provided by the Applicant that D2 does not disclose parsing engines (control modules) being originated from the servers, it seems this is at least implicitly disclosed in D2 since it refers that the browser control module accesses a stored template which has been created according to "all site logic, URLs, log-in and password information" (see paragraph 0120). In view of the objection indicated in point 2.2 above, the aspect of preventing a direct communication cannot be herein addressed. In addition, it should be noted that claims 1 and 8 do not refer to the control module or the communication modules being originated from the servers.

4. The additional features of the dependent claims seem to relate to minor design details and/or implementation measures, which are known or directly derivable from the above-referred documents or constitute normal practice of a person skilled in the art.

4.1   These claims thus, either alone or in combination, do not seem to add anything new or of inventive significance to any of the previously-referred claims.

5.   The above-cited documents D1 and D2 were not **acknowledged** and briefly discussed in the opening part of the description, Rule 5.1 (a) (ii) PCT, making clear any inventive contribution of the claimed invention over the prior art.

6.   The independent claims are not drafted in a **two-part form**, having in their pre-characterizing part all features known from D2 (refer to point 3 above), Rule 6.3 (b) (ii) PCT.

7.   The claims do not include **reference signs** relating to the features referred to therein, Rule 6.2 (b) PCT.